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Your Hearing Rights in a DSHS Case

Washington State
 Office of Administrative Hearings
www.oah.wa.gov

Your Hearing Rights in a DSHS Case

What is An Administrative Hearing?

An administrative hearing is a legal proceeding held by an impartial decision-maker called an Administrative Law Judge (ALJ). The ALJ is an attorney who works for an independent state agency called the Office of Administrative Hearings (OAH). The ALJ is not an employee of the Department of Social and Health Services (DSHS). At the hearing, you and a representative for DSHS will give the ALJ information about your case. The ALJ will consider the facts and the law and will send you a written decision after the hearing. Administrative hearings are designed to be informal and are usually held in conference rooms. You will be scheduled to appear for the hearing either in person or by telephone.

Do I Need An Attorney?

Many people represent themselves at the hearing. You may represent yourself or be represented by an attorney, paralegal, friend, relative, or other person. The state cannot pay for your attorney or representative. For information on free legal services in your area, call the Coordinated Legal Education, Advice, and Referral System (CLEAR) at 1-888-201-1014 (toll free) or (206) 464-1519 in Seattle. Northwest Justice Project, Columbia Legal Services, the Northwest Women's Law Center, some law schools, mental health regional support networks, and other non-profit legal organizations may be able to provide assistance. You may also ask friends or relatives to recommend an attorney, or contact your county's bar association or referral services (usually listed in the telephone book yellow pages at the end of the attorney section).

What Happens Before The Hearing?

You or your representative may contact the DSHS representative if you would like to try to settle your case before the hearing, or if you have questions about DSHS rules and policies. The DSHS representative will review the case, explain DSHS policies, rules, and regulations and if they find an error in the case they will correct the error. If you

cannot reach an agreement, you still have the right to a hearing. If you are receiving public assistance, you may be able to get continued benefits until the hearing decision is made. If you are entitled to child support, you may ask for temporary support. You should discuss these issues with the DSHS representative. The DSHS representative's address and phone number are located at the bottom of your Notice of Hearing.

How Will I Find Out When My Hearing Will Be Held?

OAH will mail you a Notice of Hearing that will tell you if the hearing is in person or by telephone. The notice will give the date and time of the hearing and, if in person, the place of the hearing. If you need to change the time or date, please call the DSHS representative as soon as possible. Only the ALJ can permit a change, but the ALJ will want to know if the DSHS representative and any other parties agree or disagree with your request for a change. You can contact OAH to ask that the hearing be rescheduled, even if the other parties disagree or do not respond.

What If My Hearing Is By Telephone?

You, the ALJ, witnesses, or one or more of the other people involved in the hearing may be scheduled to participate by telephone. Your hearing notice will tell you if you should go to an office or wait by a telephone for a call. Be sure that OAH has your phone number and the ALJ does not get a busy signal when he or she tries to call you. If you have papers you want the ALJ to see in the hearing, you should send a copy to the ALJ and to every other party at least one week before the hearing. The DSHS representative may be able to help you with this.

If you want an in person hearing you should contact OAH. If your hearing is about public assistance you have a right to an in person hearing. If the issue is not about public assistance, you will need to have a good reason to change the hearing to be in person.

What If I Need A Language Interpreter?

If you or a witness need a language interpreter, OAH will provide one at no cost to you. You should ask for an interpreter immediately. (See enclosed REQUEST FOR INTERPRETER form). A friend or relative cannot be your language interpreter at the hearing.

What Happens At A Hearing?

The ALJ will start the hearing by explaining what issues will be discussed and what will happen during the hearing. All hearings are tape recorded or recorded by a court reporter. All testimony is under oath or affirmation. Usually the DSHS representative will present the DSHS case first. Each party will have a chance to testify, ask questions of the other parties, and present documents. The ALJ may also ask questions. After all testimony is given, each party may make a closing statement. The ALJ will tell you when the decision will be issued.

What Should I Bring To The Hearing?

The ALJ's decision will be based only on information that you, witnesses, and the DSHS representative provide. Any information provided may be subject to the Public Records Act. It is helpful to write some notes and bring them with you to help you organize your presentation and remember everything you want to say.

Documents:

If you are appearing in person for the hearing, be sure to bring any documents to the ALJ when you come to the hearing if you have not already sent them in. You can and should send documents to the ALJ and to all other parties as far in advance of the hearing as possible. You may bring witnesses or their signed, sworn, and dated statements. All other parties have the right to see your proof, and to know who your witnesses are before the hearing. If you have personal information, such as addresses and phone numbers, in your documents you do not want the other side to know, you are responsible for deleting it before submitting the documents.

Depending on the type of case, you should be prepared to give the ALJ:

- The notice that DSHS sent you that caused you to request a hearing.
- Documents that will show that your claims are correct.
- Documents that DSHS has told you that you need to bring to the hearing.
- Proof of any special or financial circumstances that you want the ALJ to consider.

For child support hearings, you should also bring the following:

- Tax returns for last two years (and for any other years you are contesting)
- Child support worksheets
- Court orders affecting your child support
- Current pay stubs, benefit statements, or disability payment records
- Medical costs or health insurance costs for the children
- Proof of any support paid or anything else you want the ALJ to consider.

Firearms or other dangerous weapons are prohibited in all administrative hearings. WAC Chapter 10-20.

What Happens If I Do Not Participate In The Hearing?

If you asked for a hearing but do not participate in the hearing, your case may be dismissed and you may not be able to appeal this problem again. If another party asked for the hearing and you do not participate, a hearing may be held without your input and a decision may be issued that affects you.

What Are My Rights During The Hearing Process?

You Have The Right To:

- Be represented by anyone, such as an attorney, paralegal, friend, or relative. The state cannot arrange for or pay for this help.
- Present evidence and object to evidence presented by anyone else.
- Ask for a continuance (reschedule) in starting or completing the hearing. You will need to have a good reason for the continuance.
- Look at and obtain copies of documents related to your case. You should call the DSHS representative for information on how to do this.
- Obtain, in advance, the evidence that DSHS intends to use at the hearing.
- Ask the ALJ to let you send in more evidence after the hearing.

- Look at and obtain copies of laws, rules, guidelines, and DSHS publications that relate to your hearing.
- Bring your witnesses and/or to ask the ALJ to make witnesses take part in the hearing. You may also ask the ALJ to have witnesses send or bring necessary documents to the hearing. DSHS has the right to present its own witnesses and to question yours.
- Ask witnesses questions, object to testimony, and present evidence to show that the testimony of any witness is not true.
- Ask the ALJ to order witnesses to wait outside the hearing room. This can help protect privacy or keep one witness from influencing another.
- Ask that a telephone hearing be changed to an in person hearing, or an in person hearing be changed to a telephone hearing. In person means you and the ALJ will be in the same room during the hearing.
- Know the name of the ALJ assigned to hear your case.
- Object to the ALJ assigned to your case and request a different ALJ.

How and When Will the ALJ Decide?

The ALJ's decision will be based on the facts presented in the case. It will also be based on DSHS regulations and other laws that apply to your case. The DSHS regulations are listed on the bottom of your Notice of Hearing and in the DSHS notice you are disagreeing with. It is a good idea to read and learn as much as you can about these rules before the hearing. Ask the DSHS representative for assistance and information. You can find the regulations in any law library and most public libraries. You can also look up the regulations on the Internet at: www.oah.wa.gov. The ALJ will not normally make a decision at the hearing. The written decision (called an Initial Order or a Final Order, depending on the type of case) will be mailed within 16 days for public assistance cases, within 20 days for child support cases, and within 30 to 60 days for most other cases.

What Happens If I Disagree with the Hearing Decision?

In the same envelope with your Initial or Final Order, you will receive information on how to request review or reconsideration if you disagree with the Order. If you disagree with the ALJ's Initial Order, you have the right to request review by the DSHS Board of Appeals (BOA). BOA must receive your request for review within 21 calendar days from the date stamped on the Initial

Order. If you disagree with the ALJ's Final Order, you have the right to request that the ALJ reconsider that Order. Your request for reconsideration must be received by the ALJ within 10 calendar days of the date stamped on the Final Order. You also have the right to request review of the Final Order by the Superior Court.

What if I Need Special Accommodations?

If you or a witness is hearing, sight or speech impaired and needs special assistance (such as a sign language interpreter or alternate format materials) or if you need to make other special arrangements to participate in the hearing process, contact the OAH office listed on your Notice of Hearing immediately so that arrangements can be made. You will be provided help at no cost to you.

To obtain this publication in an alternate format (such as large print, Braille, or cassette tape) contact the ADA Coordinator at the address listed below.

What Are The OAH Policies Regarding Non Discrimination And Equal Access?

The Washington State Office of Administrative Hearings does not discriminate against any person in employment or in access to its facilities or services on the basis of disability, race, color, national origin, creed, sex, age, marital status, veterans status, sexual orientation, or ability to speak English.

Persons alleging unequal treatment, denial of equal access, or desiring additional information about accommodations should contact:

Office of Administrative Hearings
Attn: ADA Coordinator
PO Box 42488
Olympia WA 98504-2488
(360) 664-8717 • FAX (360) 664-8721
TTY 1-800-833-6388

How Can I Get More Information?

If you have questions about your hearing, call the telephone number of the OAH office listed on your Notice of Hearing. You can also obtain general information at the OAH website: www.oah.wa.gov.



Washington State
Office of Administrative Hearings

REQUEST FOR INTERPRETER

<p>ENGLISH</p> <p>If you or a witness need a language interpreter for the hearing, you will be provided help at no cost. Fill out and mail or fax this page to the Office of Administrative Hearings that mailed you your Notice of Hearing.</p> <p>My primary language is: _____</p> <p>Name: _____</p> <p>Telephone: _____</p> <p>Case Number: _____</p>	<p>SPANISH</p> <p>Si usted o un(a) testigo necesita un intérprete para la audiencia, se la proveerá uno(a) sin costo alguno. Complete y envíe estaágina, por correo o por fax, a la oficina de Audiencias Administrativas que le envió la Notificación de Audiencia.</p> <p>Mi lengua materna es: _____</p> <p>Nombre: _____</p> <p>Teléfono: _____</p> <p>Número de caso: _____</p>
<p>AMHARIC</p> <p>እርስዎም ሆነ በምስክርነት የሚቀርብ ሰው ጉዳዩ በሚሰማበት ቀን አስተርጓሚ የሚፈልጉ ከሆነ ይህን ያልምንም ወጪ ልናገኛልን እንችላለን። አስተርጓሚ ካስፈለገዎ ይህን ቅጽ ሞልተው በፖስታ ወይም በፋክስ ቀጠሮውን ለላክሉት እስተዳደር ከፍል ወልሰው ይላኩ።</p> <p>የሚናገሩት ቋንቋ፦ _____</p> <p>ስም፦ _____</p> <p>ቴሌፎን ቁጥር _____</p> <p>የጉዳዩ ቁጥር፦ _____</p>	<p>ARABIC</p> <p>إذا كنت أنت أو أي شاهد تحتاج إلى مترجم للجلسة، نؤكد بمتكرج دون أن تدفع أنت التكاليف. إملأ هذه الصفحة وأرسلها بالفاكس إلى المكتب الإداري للجلسات والذي أرسل لك هذا الإذار عن الجلسة.</p> <p>لتلقي الأصلية هي: _____</p> <p>إسمي: _____</p> <p>رقم الهاتف: _____</p> <p>رقم القضية: _____</p>
<p>BOSNIAN</p> <p>Ako Vi ili svjedok trebate prevodioca za saslušanje, dobit cete tu pomoć besplatno. Ispunite i posaljite postom (ili faksirajte) ovu stranicu uredu za administrativna saslušanja ("Office of Administrative Hearings") koji Vam je poslao Vasu obavijest o saslušanju ("Notice of Hearing").</p> <p>Moj materniji jezik je: _____</p> <p>Ime: _____</p> <p>Broj telefona: _____</p> <p>Broj slucaja: _____</p>	<p>CAMBODIAN</p> <p>បើលោកអ្នកជាសាក្សីដែលត្រូវការអ្នកបកប្រែសម្រាប់ពេលធ្វើសវនាការកេន្តិដ ផ្តល់ជូនមកលោកអ្នកឈាមតំគីថ្ងៃ។ សូមបំពេញក្រដាសនេះហើយផ្ញើមកតាម ប្រឹក្សាភិបាលក្រុមប្រឹក្សា(ហ្វាក)។ ទៅ the Office of Administrative Hearings ដែលបានផ្ញើមកលោកអ្នកនូវសេចក្តីប្រកាសស្នើសុំសវនាការនេះ។</p> <p>ភាសាដែលប្រើប្រាស់លោកអ្នកជាភាសា: _____</p> <p>ឈ្មោះ: _____</p> <p>ទូរស័ព្ទ: _____</p> <p>លេខសំណុំរឿង: _____</p>
<p>CHINESE</p> <p>如果您或目击证人在听证过程中需要外语翻译, 您将会得到免费帮助, 请将此页填写完毕后邮寄或传真到给您寄听证通知书的行政听证所。</p> <p>我的母语是: _____</p> <p>姓名: _____</p> <p>电话: _____</p> <p>电话: _____</p>	<p>KOREAN</p> <p>만약 당신이나 증인이 심리를 위한 통역관이 필요하시면, 무료로 통역관을 불러 드리겠습니다. 이 서류를 작성하셔서 심리 통고료 당신에게 보내준 행정 심리 사무서로 우편이나 팩스로 보내 주십시오.</p> <p>나의 주된 언어는: _____</p> <p>성명: _____</p> <p>전화번호: _____</p> <p>케이스 번호: _____</p>



Washington State
Office of Administrative Hearings

REQUEST FOR INTERPRETER

<p>LAOTIAN</p> <p>ຖ້າທ່ານພິພາດການຕ້ອງການຢາຍາມສາສຳລັບການພິຈາລະນາເລື່ອງ, ທ່ານຈະໄດ້ຮັບການຊ່ວຍເຫລືອໂດຍບໍ່ເກັບຄ່າກັບທ່ານ. ໃຫ້ຂໍບັນຍາຍລະຫວ່າງແລະສິ່ງຄືນໂດຍທາງໄປສະນີຫລືທາງແຟັກໄປຍັງສຳນັກງານພິຈາລະນາເລື່ອງດ້ານການປົກຄອງທີ່ໄດ້ສົ່ງໃບແຈ້ງການພິຈາລະນາເລື່ອງໄປໃຫ້ທ່ານ.</p> <p>ພາສາພື້ນເມືອງຂອງຂ້ອຍແມ່ນ: _____</p> <p>ຊື່: _____</p> <p>ໂທລະສັບ: _____</p> <p>ເລກຄະດີ: _____</p>	<p>RUSSIAN</p> <p>Если Вам или свидетелю нужен переводчик для слушания дела, то он будет предоставлен бесплатно. Заполните эту страницу и пошлите ее по почте или ФАКСом в Отдел Административных Слушаний, который выслал Вам уведомление о слушании дела.</p> <p>Мой основной язык: _____</p> <p>Имя: _____</p> <p>Телефон: _____</p> <p>Номер дела: _____</p>
<p>TIGRIGNA</p> <p>እብዚ ናይ ጥርጥን ጉዳይኩም ምስጥጥሉ እዋን ሕሳብኩም ከዚ ወይ ምስኩም ናይ ቋንቋ እስተርጓሚ እንተደሉ ዘድልዩኩም ክድሩ ዝናጻ ክገለጹልኩም ይክእሉ ኢዩ። ኣነ ገጽ እዚሉ መሰልኩም ዝበሉዐ ወይ ቀክሽ 'ሂኩም ናብቲ ኣነ መጻዋዕ ታ'ዚሉ ዝለእኸልኩም ቢት ጽሕፈት ናይ ጥርጥን ጉዳዮት ምዃርኩ ለእኹዋ።</p> <p>ቋንቋ/ዋና ቋንቋይ: _____ ኢዩ</p> <p>ስም: _____</p> <p>ቁጽሪ ተለፎን: _____</p> <p>ቁጽሪ ጉዳይ: _____</p>	<p>TAGALOG</p> <p>Kung ikaw o isang testigo ay nangangailangan ng isang tagasalin sa wika para sa pagdining, bibigyan ka ng libreng tulong. Sagutin at ipakoreo o i-fax ang pahinang ito sa Office of Administrative Hearings na nagpadala sa iyo ng iyong Paunawa ng Pagdining.</p> <p>Ang pangunahing wika ko ay: _____</p> <p>Pangalan: _____</p> <p>Telepono: _____</p> <p>Numero ng Kaso: _____</p>
<p>VIETNAMESE</p> <p>Nếu quý vị hay nhân chứng của quý vị cần thông dịch viên trong phiên điều giải, chúng tôi sẽ giúp quý vị và dịch vụ này miễn phí cho quý vị. Hãy điền vào những chỗ trống dưới đây và gửi hoặc fax giấy này đến Phòng Đặc Trách Các Phiên Điều Giải (Office of Administrative Hearings) đã gửi Giấy Thông Báo Phiên Điều Giải cho quý vị.</p> <p>Ngôn ngữ chính của tôi là: _____</p> <p>Tên/Họ: _____</p> <p>Số điện thoại: _____</p> <p>Số vụ: _____</p>	